

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BENJAMIN M. LAWSKY, Superintendent of
Financial Services of the State of New York,

Plaintiff,

-against-

CONDOR CAPITAL CORPORATION and
STEPHEN BARON,

Defendants.

-and-

WELLS FARGO BANK, N.A., as Agent for
Certain Financial Institutions as Lenders,

Intervenor.

MEMO ENDORSED

Case No.: 14 Civ. 2863(CM)

NOTICE OF MOTION FOR
RECUSAL PURSUANT TO
28 U.S.C. § 455(A)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: <u>11/24/15</u>
DATE FILED: <u>11/24/15</u>

TO: ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE THAT, upon the accompanying (i) Memorandum of Law in Support of Defendant's Motion to Recuse; and (ii) Affidavit of Paul R. Niehaus and the exhibits thereto, and upon all prior pleadings in this matter, Defendant Stephen Baron will move this Court, as soon as he may be heard, for an Order pursuant to 28 U.S.C. § 455(a), recusing the Honorable Colleen McMahon from further participation in this matter, and reassigning the matter to a randomly-selected Judge of this District pursuant to Rule 16 of the Southern District's Rules for the Division of Business Among District Judges.

11/24/2015

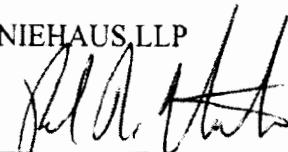
The Motion for Recusal is filed without cause and is denied. There is no actual bias or partiality on the part of the court. If defendant wishes to file a motion for appeal, it must be filed within 30 days of the final judgment.

Motion denied. No Clerk and
removal denied #231 from
the Court; first paper motion.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to Judge McMahon's Individual Practices and Procedures, papers in opposition to the Motion must be filed no later than December 7, 2015, and that papers in reply, if any, must be filed no later than December 14, 2015.

Dated: November 23, 2015

NIEHAUS LLP



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